



Entered on Docket
January 30, 2009

A handwritten signature in black ink, appearing to read "Gregg W. Zive".

Hon. Gregg W. Zive
United States Bankruptcy Judge

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*Attorneys for The Becker Family Trust and Nick and
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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

In re:

CETUS MORTGAGE, Ltd., a Nevada
corporation,

Debtor,

Case No. BK-N-08-51131-GWZ

Chapter Number: 7

**ORDER TERMINATING THE
AUTOMATIC STAY**

Hearing Date: January 8, 2009
Time: 10:00 a.m.

This matter came before the Court for hearing on the *Motion For Order Determining The Stay Of Section 11 U.S.C. 362(a) Is Inapplicable (Or, In The Alternative, Terminating the Stay) And Compelling Abandonment [Kendricks, 6801 Oak Grass]* ("Motion") filed by The Becker Family Trust and Nick and Stella Caranica. Docket No. 282. Sallie B. Armstrong, Esq. appeared on behalf of the Becker Family Trust and Nick and Stella Caranica. John F. Murtha, Esq.

1 appeared on behalf of the Chapter 7 Trustee, Angelique L. M. Clark, who was present as well.

2 The Court has considered the Motion, together with the Declaration of William E. Becker
3 and the Declaration of Nick Caranica, as well as the exhibits attached thereto. Docket Nos. 282,
4 283, 285. The Court has also considered the Trustee's Omnibus Response, the Omnibus
5 Declaration of Randy Thornton, and the Omnibus Declaration of the Trustee. Docket Nos. 334,
6 335, 336. Based on the record and statements of counsel, the Court stated its findings of fact and
7 conclusion of law on the record in lieu of written findings of fact and conclusions of law as
8 permitted by Fed. R. Civ. Proc. 52 made applicable to this proceeding by Fed. R. Bankr. Proc.
9 9014 and 7052.

10 IT IS HEREBY ORDERED that the Motion is GRANTED IN PART and DENIED IN
11 PART. The Motion for relief from the automatic stay is GRANTED. The Motion compelling
12 abandonment is DENIED.

13 IT IS HEREBY FURTHER ORDERED that automatic stay of 11 U.S.C. § 362(a) is
14 terminated as to the Kendrick Loan, as such loan is described in the Motion.

15 IT IS HEREBY FURTHER ORDERED that the investors in the Kendrick Loan may
16 proceed with foreclosure or other relief in accordance with state law.

17 IT IS HEREBY FURTHER ORDERED that the Trustee shall immediately make
18 arrangements for the delivery of the original note and deed of trust concerning the Kendrick Loan
19 (if such documents are in her possession) to counsel for movants. If such documents are no
20 longer in her possession, the Trustee shall immediately inform counsel for the movants of the
21 whereabouts of the original documents. If the Trustee does not know the whereabouts of the
22 original documents, she shall immediately so inform counsel for the movants.

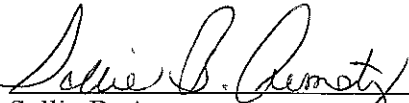
23 IT IS HEREBY FURTHER ORDERED that the termination of the automatic stay and the
24 delivery of the original note and deed of trust regarding the Kendrick Loan are without prejudice
25 to the Trustee's right to later pursue monetary claims the estate may have against the beneficiaries
26 under the Kendrick Loan.

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1 IT IS HEREBY FURTHER ORDERED that the ten day stay provided in Federal Rule of
2 Bankruptcy Procedure 4001(a)(3) is waived.

3 Submitted By:

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5 Sallie B. Armstrong
6 Attorney for The Becker Family Trust and
Nick and Stella Caranica

7 Approved:

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9 /s/ John F. Murtha
John F. Murtha
10 Attorney for Chapter 7 Trustee
Angelique L. M. Clark

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